

REMARKS

This Request to Reopen Prosecution is filed in response to the Board of Patent Appeals and Interferences (the "Board") opinion decided February 8, 2008.

Upon entry of the amendments in this Request, claims 1-20 will be pending in the present Application.

In the Board opinion, the Board reversed the Examiner's Final Rejection of claims 1-20 under 35 U.S.C. 103(a), and rejected, by a new ground of rejection, claims 1-12 under 35 U.S.C. § 101.

Response to Board's New Ground of Rejection

The Board rejected claims 1-12 under 35 U.S.C. § 101 as failing to recite statutory subject matter. In the Board's decision, the Board indicated that, under 37 C.F.R. § 41.50, Applicant may "[s]ubmit an appropriate amendment of the claims." *Board Decision* at p. 9. Applicant responds to this decision by submitting a Request to Reopen Prosecution and an appropriate amendment to overcome the new grounds of rejection in the Board's decision. An amendment is "appropriate" if "it amends one or more of the claims rejected, or substitutes new claims to avoid the art or reasons adduced by the Board." MPEP 1214.01 (citing *Ex parte Burrowes*, 110 O.G. 599 (Comm'r Pat. 1904)). Thus, although Applicant believes it to be unnecessary, Applicant has amended independent claim 1 to overcome the rejection of claims 1-12 under 35 U.S.C. § 101 by providing appropriate claim limitation language to include performing the claimed method by a computer, which is clearly directed to statutory subject matter. The support for the amendment is provided by the disclosure as originally filed. No new matter has been entered by this amendment. Claim 1 is now believed to be in condition for allowance. In addition, claims 2-12, which depend directly or indirectly from independent claim 1, are believed to now be in condition for allowance. Claims 13-20, which the Board determined to be patentable over the art rejection of the Final Rejection, are also believed to be in condition for allowance.

CONCLUSION

In view of the above, Applicant respectfully requests entry of the Amendment of claim 1 and allowance of claims 1-20. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,
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